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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,672	08/22/2003	Kazuhiro Takahashi	03500.012242.2	8393
5514 7590 05/31/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SHERALI, ISHRAT I	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/645,672

Applicant(s)

TAKAHASHI ET AL.

Examiner

Sherali Ishrat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Response to Amendment/Arguments**

1. This action is in response to Applicant's amendment arguments received on 2/28/2007. Applicant's arguments are fully considered however they are moot due to new grounds of rejection which was necessitated due amendment to the claims.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 44-45 and 49-50 are rejected under Takahashi et al. (EP 0 619 678 A2).

Regarding claims 44 and 49 Takahashi discloses an image capture unit that captures image data (Takahashi in Fig. 4 [block 30] , page 5, lines 41-45 image pick-up device);

A mode setting unit adapted to set one of the plurality of image capturing mode selected by a user before image capture image (Takashi, page 8, lines 1-5, high image quality mode & standard image mode selection Fig. 6 [blocks 64 & 66])

a control unit that controls determine frame rate applied according to image capturing mode set by the mode setting unit (Takahashi, Figs . 6 [blocks

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90 and 92] & 11, page 8, lines 42-45), the number of pixels of each of the captured images according image capturing mode set by the setting unit (Takahashi, Figs. 6 [blocks 90 and 92] & 11, page 8, lines 1-5 & 42-45) and a compression ratio applied to the captured image according to image capturing mode set by the setting unit (Takahashi, Figs. 6 [blocks 90 & 92] & 11, page 8, lines 10-18 & 42-45).

Regarding claims 45 and 50, Takahashi discloses display unit that displays information indicating the frame rate, number of pixels individually and the compression ratio selected by the user (Takahashi, page 8, lines 43-45 & page 9, lines 14-20 Figs. 6, 11 and 12 ).

Regarding claims 46 and 51, Takahashi discloses recording unit that records the image data (Takahashi Fig. 6 [block 70]).

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. 5. Claims 47-48 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (EP 0 619 678 A2) in view of Washino et al. (US 5,625,410).

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Regarding claims 47 and 52, Takahashi discloses image transmitting [Fig. 4 [blocks 30 and 50]

Takahashi however has not disclosed wireless transmitting unit that transmits the image data by wireless transmission unit

In the field of endeavor of image capturing Washino discloses wireless transmitting unit that transmits the image data by wireless transmission unit (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Therefore it would have been obvious at the time the invention was made to use the teaching of Washino of transmitting image using wireless technology in the system of Takahashi by connecting Takashi image capturing unit to Washino wireless system because such a process provide transmission of images to remote location.

Regarding claims 48 and 53, Takashi discloses display unit that displays information indicating the frame rate, number of pixels and the compression ratio selected by the user (Takahashi, page 8, lines 43-45 & page 9, lines 14-20 Figs. 6, 11 and 12 ).

a recording unit that records the image data (Takahashi Fig. 6 [block 70]). Washino however has not explicitly disclosed display the number of pixels and compression ratio individually. In other words in the system of Washino number of pixels is dependent on compression ratio.

Takahashi however has not disclosed wireless transmitting unit that transmits the captured image data by wireless transmission unit

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In the field of endeavor of image capturing, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission unit (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Therefore it would have been obvious at the time the invention was made to use the teaching of Washino of transmitting image using wireless technology in the system of Takahashi by connecting Takashi image capturing unit to Washino wireless system because such a process provide transmission of images to remote location.

## Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Ishrat Sherali

May 21, 2007



ISHRAT SHERALI  
PRIMARY PATENT EXAMINER